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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/508,356 03/09/00 GREPPMAIR

M 72.011

EXAMINER

PM82/0524

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ART UNIT

PAPER NUMBER

3673  
DATE MAILED:

05/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/508,356

Applicant(s)  
Greppmair

Examiner  
Raymond Addie

Art Unit  
3673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 9, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

Art Unit: 3673

### **DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3672.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

#### ***Specification***

3. The claims are objected to because they include reference characters which are not illustrated. Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linz # 3,756,735 in view of Darda # 3,957,309.

Linz discloses a vibration tamper comprising:

A working mass (5), which is driven in a tamping manner, via a crank mechanism (21) and a spring mechanism (66).

A motor belonging to an upper mass (60) wherein the crank mechanism has at least one structural element (62) which is movable linearly back and forth. Said structural element (62) comprising a guide piston.

What Linz does not disclose is a connecting rod made of a material less dense than steel.

However, Darda teaches a tamping device for breaking up rocks comprising an aluminum guide piston assembly (1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the vibration tamper of Linz, with an aluminum piston assembly, in order to reduce the dead weight of the tamper.

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6. Claims 3/1, 3/2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linz in view of Darda, as applied to claim 1 above, and further in view of Pauliukonis # 3,703,125. Linz in view of Darda disclose essentially all that is claimed, except for a plastic piston assembly. However, Pauliukonis discloses an all plastic piston and cylinder assembly, including an integrally molded end closure, such as a damping bush (4). See Fig. 1; col. 2, lines 24-68. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the vibration tamper of Linz, in view of Darda, with a plastic cylinder assembly, as taught by Pauliukonis, in order to reduce the deadweight of the tamper.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fairchild # 2,975,761 discloses a driving hammer. Cloud # 3,807,067 discloses an automatic trench filler and tamper. Linz # 3,923,412 discloses a vibratory tamper. Baumers # 4,067,244 discloses a self-propelled vibratory plate. Vural # 4,127,351 discloses a dynamic soil compactor. Langfield et al. # 4,320,924 discloses a reciprocating concrete surfacer. Vural et al. # 4,382,715 discloses an impacting apparatus. Motl # 5,340,233 discloses a pneumatically operated rammer. Zurbes et al. # 5,645,370 discloses a vibration tamper. Greppmair # 6,000,879 discloses a gasoline-powered tamper.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Mon-Fri from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**RWA**  
**5/19/2001**